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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL ANDREW SCOTT,

Defendant.

CASE NO. 2:24-CR-0097 KJM

STIPULATION AND ~~[PROPOSED]~~ PROTECTIVE
ORDER

WHEREAS, the parties desire to prevent the unauthorized disclosure or dissemination of certain sensitive but unclassified discovery materials to anyone not a party to the court proceedings in this case as provided below;

WHEREAS, the sensitive but unclassified discovery materials at issue include information pertaining to witnesses or potential witnesses in this case, including personal identifying information, bank account information, and residence information;

WHEREAS, such sensitive but unclassified discovery materials shall be identified as sensitive and subject to a protective order at the time of disclosure, whether on the documents themselves or in an accompanying cover letter;

WHEREAS, the parties agree that entry of a stipulated protective order is appropriate and that a private agreement is not appropriate in light of the nature of the information at issue and the charges in this case; and

1 WHEREAS, the defendant, MICHAEL ANDREW SCOTT has counsel (“Defense Counsel”)
2 who wishes the opportunity to review the discovery;

3 The defendant and the United States, by and through their undersigned counsel of record, hereby
4 agree and stipulate as follows:

5 1. This Court may enter protective orders pursuant to Rule 16(d) of the Federal Rules of
6 Criminal Procedure, its general supervisory authority, and Local Rule 141.1.

7 2. This Order pertains to all discovery provided to or made available to Defense Counsel
8 that is identified as sensitive and subject to a protective order in this case (hereafter, collectively known
9 as “the protected discovery”).

10 3. Defense Counsel shall not disclose any of the protected discovery to any person other
11 than the defendant, or attorneys, law clerks, paralegals, secretaries, experts, interpreters, and
12 investigators involved in the representation of the defendant (“the Defense Team”).

13 4. The Defense Team may show witnesses who are not a part of the Defense Team the
14 protected discovery in the course of preparing a defense for trial or any related proceedings in this case,
15 but only if: (i) the witness, by reason of their participation in the underlying events or conduct, would
16 have seen or had reason to know such discovery; or (ii) it is otherwise relevant to the defense of the case
17 that the Defense Team discuss with or show the witness the protected discovery. Witnesses may only
18 view the protected discovery in the presence of the Defense Team. No witness or potential witness may
19 retain copies of the protected discovery after his or her review of those materials with the Defense Team
20 is complete.

21 5. The protected discovery and information therein may only be used in connection with the
22 litigation of this criminal case and for no other purpose. The protected discovery is now and will forever
23 remain the property of the United States.

24 6. Defense Counsel and the defendant, if he retains any copy of any material, will store the
25 discovery in a secure place and will use reasonable care to ensure that it is not disclosed to third persons
26 in violation of this agreement.

27 7. If Defense Counsel releases custody of any of the protected discovery, or authorized
28 copies thereof, to any person described in paragraph (3), Defense Counsel shall provide such recipients

1 with copies of this Order and advise that person that the protected discovery is the property of the United
2 States, that the protected discovery and information therein may only be used in connection with the
3 litigation of this case and for no other purpose, and that an unauthorized use of the protected discovery
4 may constitute a violation of law and/or contempt of court.

5 8. In the event that the defendant obtains substitute counsel, undersigned Defense Counsel
6 agrees to withhold the protected discovery from new counsel unless and until substituted counsel agrees
7 to be bound by this Order.

8 9. Defense Counsel shall be responsible for advising the defendant, employees, and other
9 members of the Defense Team of the contents of this Stipulation/Order.

10 10. Defense Counsel shall advise the government counsel of any subpoenas, document
11 requests or claims for access to the protected discovery by third parties if Defense Counsel is
12 considering disseminating any of the protected discovery to a third party in order that the government
13 may take action to resist or comply with such demands as it may deem appropriate.

14 11. While this Order applies to any copies made of any materials covered by this Order, it
15 does not apply to any materials that the defendant or the Defense Team may have or gain access to via
16 independent means, even if copies or duplicates of those materials may be covered by this Order.

17 12. Nothing in this Order shall prevent the United States from redacting personal identifying
18 information or other confidential information in any of the protected discovery related to the identity of
19 cooperators and informants.

20 13. Nothing in this Order limits the United States from disclosing the protected discovery to
21 members of the United States Attorney's Office, law enforcement agencies, the Court, and defense.

22 14. This stipulation is without prejudice to either party applying to the Court to modify the
23 terms of any protective order. This Court shall retain jurisdiction to modify this Order upon motion of
24 either party even after the conclusion of district court proceedings in this case.

25 IT IS SO STIPULATED.
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1 Dated: May 3, 2024

Respectfully submitted,

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3 PHILLIP A. TALBERT
United States Attorney

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5 By: /s/ DHRUV M. SHARMA
DHRUV M. SHARMA
6 Assistant United States Attorney

7
8 Dated: May 3, 2024

9 By: /s/ Candice L. Fields
10 CANDICE L. FIELDS
Counsel for MICHAEL
ANDREW SCOTT

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15 **ORDER**

16 IT IS SO FOUND AND ORDERED.

17 Dated: May 9, 2024

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20 CHI SOO KIM
21 UNITED STATES MAGISTRATE JUDGE